



SO ORDERED.

SIGNED this 3rd day of February, 2015.

BENJAMIN A. KAHN
UNITED STATES BANKRUPTCY JUDGE

C-13-7a
(Rev. 01/12)

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In Re:)	ORDER CONFIRMING PLAN
)	CHAPTER 13
)	
Demis, Hoyt xxx-xx-4890)	
Demis, Lori Couch xxx-xx-3765)	Case No: 14-11298 C-13G
2101 Shady Oak Lane)	
Archdale, NC 27263)	
)	
)	
Debtors.)	

This case came before the Court, after notice and opportunity for hearing, for confirmation of the Chapter 13 plan proposed in this case; and IT APPEARING to the Court as follows:

I. The Trustee in this case is Anita Jo Kinlaw Troxler, Standing Trustee, Anita Jo Kinlaw Troxler, 500 West Friendly Avenue, Suite 200, P.O. Box 1720, Greensboro, NC 27402-1720;

II. The attorney for the Debtors is James L. Tennant;

III. Under the final plan (the "Plan") as proposed:

A. Plan Payments

1. The Debtors are to make monthly payments to the Trustee which are to be disbursed by the Trustee in accordance with the Plan and this Order;
2. The monthly plan payment to the Trustee is \$2,350.00 beginning December 5, 2014, increasing to \$1,705.00 effective February 2015;

B. Administrative Costs

1. **Attorney Fees.** The Attorney for the Debtors is allowed the base fee of \$3,700.00. The Attorney has received \$656.00 from the Debtor(s) pre-petition and the remainder of the base fee will be paid by the Trustee as funds are available.

2. **Trustee costs.** The Trustee will receive from all disbursements such amount as approved by the Court for payment of fees and expenses.

C. Priority Claims

Any timely filed claims entitled to priority under 11 U.S.C. §507, on behalf of the entities listed below, will be paid in full in deferred cash payments unless otherwise indicated.

1. Internal Revenue Service
2. N C Department of Revenue
3. Randolph County Tax

D. Secured Claims

1. Long-term Debts - To be paid directly by Debtor(s).

Creditor & Property	Claim Filed (Y/N)	Regular Payment
*FIRST BANK 2101 Shady Oak Lane Archdale, NC	N	\$841.60
SUNTRUST BANK 2101 Shady Oak Lane Archdale, NC	Y	Equity Line Payment

*The Creditor is required to file a claim documenting a non-preferential perfected lien against the real property in order for the Debtor to pay direct payments on the indebtedness.

2. Long-term Debts - To be paid by Trustee.

Creditor & Property	Claim Filed (Y/N)	Monthly Payment	Monthly Payment to Begin	Arrears Through	Arrears Amount	Monthly Payment on arrears
ALLY FINANCIAL, INC. (2015 Mazda: 10/31/14)	Y	\$355.27	3/2015	2/2015	\$355.27	\$75.00

3. Secured Claims To Be Paid In Full - Real Property

Creditor & Property	Claim Filed (Y/N)	Amount of claim	Monthly Payment	Interest Rate
RANDOLPH COUNTY TAX 2101 Shady Oak Lane Archdale, NC	Y	\$2,183.91	\$300.00	9%

4. Property To Be Released.

Upon timely filing of a claim documenting a non-preferential perfected lien the following property is released for liquidation and the creditor is allowed 180 days (for real property) and 120 days (for personal property) from the date of entry of this Order to file a documented deficiency claim after liquidating the property. The automatic stay and co-debtor stay, if applicable, are lifted as to the property released. The requirements of Rule 3002.1 are terminated.

Creditor	Property to be Released	Claim filed (Y/N)
*AMERICAN HONDA FINANCE CORP.	2014 Honda	Y
*WELLS FARGO AUTO FINANCE	2004 Ford	Y

***Relief is also granted as to the co-debtor stay of 11 U.S.C. §1301.**

E. General Unsecured Claims Not Separately Classified.

General unsecured claims not separately classified will be paid as funds become available after payment of costs of administration. The estimated dividend to general unsecured claims is 0%.

F. Special Provisions

The Debtors are marketing non-residential real property commonly known as 473 James Court, High Point, North Carolina, and 479 James Court, High Point, North Carolina, for sale. The following creditors are listed as holding liens against the properties or listed as homeowner association creditors. If timely claims are filed documenting perfected lien status in reference to the real properties as indicated and the properties have not been sold by June 30, 2015, an Order shall be entered lifting the Section 362 Stay as to the properties to allow the lienholders to proceed with foreclosure if the properties have not been sold. No payments will be paid on the debts pending a sale of the properties and lifting of the stay as of June 30, 2015. A timely claim must be filed documenting secured status for the stay to be automatically lifted June 30, 2015. The timely filed claimants are allowed 180 days from the Order lifting the Stay to liquidate the properties and file a documented deficiency claim based on liquidation of the properties. The creditors listed as potential secured claimants are:

<u>Creditor</u>	<u>Property</u>
Seterus, Inc.	479 James Court, High Point, NC
Foxcroft HOA	479 James Court, High Point, NC
Seterus, Inc.	473 James Court, High Point, NC
Foxcroft HOA	473 James Court, High Point, NC

THIS PLAN SHALL CONTAIN THREE CLASSES OF UNSECURED NON-PRIORITY CLAIMS WITH CLASS A CLAIMS BEING ANY TIMELY FILED UNSECURED NON-PRIORITY CLAIMS DOCUMENTING INDIVIDUAL OR JOINT LIABILITY OF THE FEMALE DEBTOR AND CLASS B CLAIMS BEING ANY TIMELY FILED UNSECURED NON-PRIORITY CLAIMS DOCUMENTING INDIVIDUAL OR JOINT LIABILITY OF THE MALE DEBTOR AND CLASS C CLAIMS BEING ANY TIMELY FILED UNSECURED NON-PRIORITY CLAIMS DOCUMENTING JOINT LIABILITY OF THE FEMALE DEBTOR AND MALE DEBTOR. THE AMOUNT TO BE DISBURSED TO CLASS A CLAIMS IS \$25,000.00. THE AMOUNT TO BE DISBURSED TO CLASS B CLAIMS IS ANY NON-EXEMPT NET EQUITY FROM SALE OF REAL PROPERTY COMMONLY KNOWN AS 473 JAMES COURT, HIGH POINT, NORTH CAROLINA. THE AMOUNT BE DISBURSED TO CLASS C CLAIMS IS ANY NON-EXEMPT NET EQUITY FROM SALE OF REAL PROPERTY COMMONLY KNOWN AS 479 JAMES COURT, HIGH POINT, NORTH CAROLINA. THE AMOUNTS TO BE DISBURSED TO EACH CLASS WILL BE REDUCED PRO RATA BY ANY AMOUNTS PAID TO UNSECURED PRIORITY CLAIMS.

- G. The Debtors will pay THE GREATER OF the amount necessary to pay all allowed costs of administration, priority and secured claims in full with the exception of continuing long term debts OR 36 monthly plan payments OR the amount sufficient to pay all allowed secured claims as scheduled for payment through the disbursements by the Trustee plus \$25,000.00 toward unsecured non-priority Class A claims and any non-exempt net equity from sale of real property commonly known as 473 James Court, High Point, North Carolina, toward unsecured non-priority Class B claims and any non-exempt net equity from sale of real property commonly known as 479 James Court, High Point, North Carolina, toward unsecured non-priority Class C claims. The disbursement requirements to Class A through C claims will be adjusted pro rata by any amount paid to unsecured priority claims due to unsecured priority claims being paid from all liquidation value of the estate ahead of the Class A through C unsecured non-priority claims. The Plan is to be reviewed in 12 months and periodically thereafter for plan payment adjustments;
- H. The terms and provisions of the Standing Order dated February 24, 2012, are incorporated in this Order and are available on the Court's website at www.ncmb.uscourts.gov.
- I. **IT FURTHER APPEARING** to the Court that the Plan complies with the requirements of 11 U.S.C. §1325; therefore, it is

ORDERED that the Plan is confirmed.

END OF DOCUMENT

PARTIES TO BE SERVED

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